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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 140429387-4971-02]

RIN 0648-XD911

Atlantic Highly Migratory Species; Commercial Blacktip Sharks, Aggregated Large Coastal Sharks, and Hammerhead Sharks in the Gulf of Mexico Region

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is closing the commercial fisheries for blacktip sharks, aggregated large coastal sharks (LCS), and hammerhead sharks in the Gulf of Mexico region. This action is necessary because the commercial landings of blacktip sharks in the Gulf of Mexico region for the 2015 fishing season are projected to exceed 80 percent of the available commercial quota as of May 1, 2015, commercial landings of aggregated LCS in the Gulf of Mexico region have exceeded 80 percent of the available commercial quota, and the aggregated LCS and hammerhead shark fisheries are quota-linked under the current regulations.

DATES: The commercial fisheries for blacktip sharks, aggregated LCS, and hammerhead sharks are closed effective 11:30 p.m. local time May 3, 2015, until the end of the 2015 fishing

season on December 31, 2015, or until and if NMFS announces via a notice in the **Federal Register** that additional quota is available and the season is reopened.

FOR FURTHER INFORMATION CONTACT: Alexis Jackson or Karyl Brewster-Geisz 301-427-8503; fax 301-713-1917.

SUPPLEMENTARY INFORMATION: The Atlantic shark fisheries are managed under the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP), its amendments, and implementing regulations (50 CFR part 635) issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

Under § 635.5(b)(1), dealers must electronically submit reports on sharks that are first received from a vessel on a weekly basis through a NMFS-approved electronic reporting system. Reports must be received by no later than midnight, local time, of the first Tuesday following the end of the reporting week unless the dealer is otherwise notified by NMFS. Under § 635.28(b)(2), the quotas of certain species/fisheries and/or management groups are linked. If quotas are linked, when the specified quota threshold for one management group or species/fishery is reached and is closed, the linked management group or fishery closes at the same time. The quotas for aggregated LCS and the hammerhead shark management groups in the Gulf of Mexico region are linked (§ 635.28(b)(3)(ii)). The blacktip shark quota is not linked to the aggregated LCS or hammerhead shark quotas. Regulations at § 635.28(b)(1) and § 635.28(b)(4) authorize closure of the blacktip shark management group when landings have reached or are expected to reach 80 percent of the quota or before those situations occur.

Under § 635.28(b)(1) and § 635.28(b)(2), when NMFS calculates that the landings for any species and/or management group of either a non-linked or a linked group have reached or

are projected to reach a threshold of 80 percent of the available quota, NMFS will file for publication with the Office of the Federal Register a notice of closure for all of the species and/or management groups of either a non-linked or linked group that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure until and if NMFS announces, via a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for all linked species and/or management groups and specified non-linked species and/or management groups are closed, even across fishing years.

On December 2, 2014 (79 FR 71331), NMFS announced that the commercial Gulf of Mexico blacktip shark quota was 328.6 mt dw (724,302 lb dw), the Gulf of Mexico aggregated LCS quota for 2015 was 156.5 metric tons (mt) dressed weight (dw) (344,980 lb dw), and the Gulf of Mexico hammerhead shark quota was 25.3 mt dw (55,722 lb dw). Dealer reports recently received through April 24, 2015, indicate that that 261.1 mt dw or 79 percent of the available Gulf of Mexico blacktip shark quota has been landed, 128.6 mt dw or 82 percent of the available Gulf of Mexico aggregated LCS quota has been landed, and that 12.4 mt dw or 49 percent of the available Gulf of Mexico hammerhead shark quota has been landed. Based on these dealer reports, NMFS estimates that the 80-percent limit specified for a closure notice in the regulations for blacktip sharks will be exceeded as of May 1, 2015, and has been exceeded for aggregated LCS. Accordingly, NMFS is closing the commercial blacktip, aggregated LCS, and hammerhead management groups in the Gulf of Mexico region as of 11:30 p.m. local time May 3, 2015. All other shark species or management groups that are currently open will remain open, including the commercial Gulf of Mexico non-blacknose small coastal sharks (SCS), blacknose sharks, blue sharks, and pelagic sharks other than porbeagle or blue.

At § 635.27(b)(1), the boundary between the Gulf of Mexico region and the Atlantic region is defined as a line beginning on the East Coast of Florida at the mainland at 25°20.4' N. lat, proceeding due east. Any water and land to the south and west of that boundary is considered for the purposes of monitoring and setting quotas, to be within the Gulf of Mexico region.

During the closure, retention of blacktip sharks, aggregated LCS, and/or hammerhead sharks in the Gulf of Mexico region is prohibited for persons fishing aboard vessels issued a commercial shark limited access permit under § 635.4. However, persons aboard a commercially permitted vessel that is also properly permitted to operate as a charter vessel or headboat for HMS and is engaged in a for-hire trip could fish under the recreational retention limits for sharks and “no sale” provisions (§ 635.22(a) and (c)). Similarly, persons aboard a commercially permitted vessel that possesses a valid shark research permit under § 635.32 and has a NMFS-approved observer onboard may continue to harvest and sell blacktip sharks, aggregated LCS, and/or hammerhead sharks in the Gulf of Mexico region pursuant to the terms and conditions of the shark research permit.

During this closure, a shark dealer issued a permit pursuant to § 635.4 may not purchase or receive blacktip sharks, aggregated LCS, and/or hammerhead sharks in the Gulf of Mexico region from a vessel issued an Atlantic Shark Limited Access Permit (LAP), except that a permitted shark dealer or processor may possess blacktip sharks, aggregated LCS, and/or hammerhead sharks in the Gulf of Mexico region that were harvested, off-loaded, and sold, traded, or bartered prior to the effective date of the closure and were held in storage consistent with § 635.28(b)(5). Additionally, a permitted shark dealer or processor may possess blacktip

sharks, aggregated LCS, and/or hammerhead sharks in the Gulf of Mexico region that were harvested by a vessel issued a valid shark research fishery permit per § 635.32 with a NMFS-approved observer onboard during the trip the sharks were taken on as long as the LCS research fishery quota remains open. Similarly, a shark dealer issued a permit pursuant to § 635.4 may, in accordance with relevant state regulations, purchase or receive blacktip sharks, aggregated LCS, and/or hammerhead sharks in the Gulf of Mexico region if the sharks were harvested, off-loaded, and sold, traded, or bartered from a vessel that fishes only in state waters and that has not been issued an Atlantic Shark LAP, HMS Angling permit, or HMS Charter/Headboat permit pursuant to § 635.4.

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA (AA), finds that providing prior notice and public comment for this action is impracticable and contrary to the public interest because the fishery is currently underway and any delay in this action would result in overharvest of the quota and be inconsistent with management requirements and objectives. Similarly, affording prior notice and opportunity for public comment on this action is contrary to the public interest because if the quota is exceeded, the stock may be negatively affected and fishermen ultimately could experience reductions in the available quota and a lack of fishing opportunities in future seasons. For these reasons, the AA also finds good cause to waive the 30-day delay in effective date pursuant to 5 U.S.C. 553(d)(3). This action is required under § 635.28(b)(2) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 27, 2015.

Emily H. Menashes,

Acting Director,

Office of Sustainable Fisheries,

National Marine Fisheries Service.

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